

MICHAEL A. CARDENZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

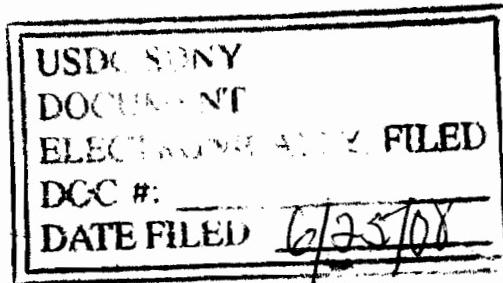
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June 24, 2008

BY HAND DELIVERY

Honorable Theodore H. Katz
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Dimas Cuadrado v. The Department of Correction, et. al., 08-CV-3026
(PAC) (THK)

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendants' New York City Department of Correction ("DOC") and Correction Officer J. Serrano time to answer or otherwise respond to the complaint in this action be enlarged sixty (60) days from June 24, 2008 to and including August 25, 2008.¹ *Pro se* plaintiff, Dimas Cuadrado, is currently incarcerated and therefore, I am unable to reach him in order to obtain his consent. However, I have no reason to believe that he would object to this request for an initial enlargement of time.

The complaint alleges, *inter alia*, that on February 6, 2008, New York City Department of Correction Officer J. Serrano employed excessive force against plaintiff in violation of his civil rights. As a threshold matter, an enlargement of time will allow this office to forward to plaintiff for execution an authorization for the release of his medical records.

¹ This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

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Defendants cannot obtain these records without the authorization, and without the records, defendants cannot properly assess this case or respond to the complaint. An enlargement of time will also allow us time to secure any relevant DOC records. Accordingly, defendants require this enlargement so that this office may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

Moreover, an enlargement of time is necessary to resolve representation issues. In addition to the New York City Department of Correction, plaintiff names Correction Officer J. Serrano as a defendant.² Pursuant to Section 50-K of the New York General Municipal Law, the Corporation Counsel's office must determine based on a review of the facts of the case, whether we may represent Officer Serrano. Officer Serrano must then decide whether he wishes to be represented by the Corporation Counsel, and if so, the Corporation Counsel's office must obtain his written authorization.

No previous request for an enlargement of time has been made. Accordingly, defendants respectfully request that their time to answer or otherwise respond to the complaint be enlarged sixty (60) days June 24, 2008 to and including August 25, 2008.

I thank Your Honor for considering the within request.

Respectfully submitted,

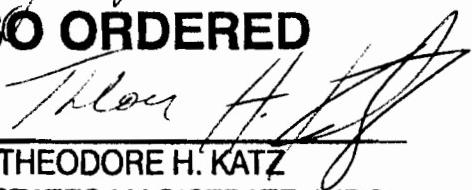


Caryn Rosencrantz (CR 3477)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Dimas Cuadrado (241-07-06215
Pro Se Plaintiff
AMKC
18-18 Hazen St.
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(By First Class Mail)

*Defendant's response to the complaint
will be filed by August 25, 2008.*

SO ORDERED

6/25/08 
THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

² This office has not yet discussed with defendant Serrano the manner of service, and we make no representation herein as to the adequacy of process. Although this office does not currently represent defendant Serrano, and assuming he was properly served, this office respectfully requests this extension on his behalf so that his defenses are not jeopardized while representational issues are being decided.

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